

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk / 954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: May 20, 2009 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the May 20, 2009 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Other - Motion to approve

Attachment(s): May 20, 2009 minutes

TOWN OF DAVIE
REGULAR MEETING
May 20, 2009

1. PLEDGE OF ALLEGIANCE - Major Walter W. Rice Post #9697

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

Chief Montopoli gave the invocation.

Stuart McCleese made an announcement regarding Memorial Day activities in the Town.

2. ROLL CALL

Present at the meeting were Mayor Paul, Vice-Mayor Crowley, and Councilmembers Caletka, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

Mayor Paul announced that Richard Naugle Sr. and Michael Kronk had recently passed away and stated they would both be dearly missed. A moment of silence was observed in their memory.

Mayor Paul advised that staff had requested tabling item 5.1 to June 3, 2009. Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul announced that item 8.1 had been withdrawn by staff.

Mayor Paul reported item 3.20 needed to be added.

Councilmember Luis made a motion, seconded by Vice-Mayor Crowley, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

3. APPROVAL OF CONSENT AGENDA

Minutes

3.1 April 15, 2009 (Regular Meeting)

Proclamations

3.2 Broward Attractions & Museums Month (June 2009)

3.3 Safety Awareness Week (June 8 - 12, 2009)

Home Business Tax Receipt

3.4 MEO Oil Co, 3202 SW 147 Avenue

Resolutions

- 3.5 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH LITTLE CRITTERS CORRAL, INC. FOR CATTLE/HORSE GRAZING SERVICE AT GOVERNOR LEROY COLLINS PARK. (\$100 monthly revenue)
- 3.6 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PERM-A-CARE, INC. FOR TOWN PROPERTY JANITORIAL SERVICES. (\$61,416)
- 3.7 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CONTRACT WITH BONAFAIR MANAGEMENT GROUP (FL), INC. FOR THE INSTALLATION OF NEW WINDOWS AT THE OLD DAVIE SCHOOL RE-BID NO. B-09-56. (\$209,307)
- 3.8 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF UP TO AN ADDITIONAL \$40,000 OF REIMBURSABLE FUNDS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE RELOCATION OF TREES IMPACTED BY THE I-595 CONSTRUCTION PROJECT.
- 3.9 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF TWO (2) AUTOPULSE AUTOMATIC CHEST COMPRESSION DEVICE (ACCD) AND RELATED ACCESSORIES FROM ZOLL MEDICAL CORPORATION, A SOLE SOURCE PROVIDER, IN THE AMOUNT OF \$34,485.00.
- 3.10 **BID EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE EXTENSION OF THE EXISTING ELECTRICAL SERVICES BID WITH FLORIDA ELECTRIC CONTRACTING SERVICE, INC. AND MILLS ELECTRIC SERVICE, INC.
- 3.11 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID SUBMITTED BY METRON-FARNIER, LLC FOR AN AUTOMATED METER READING SYSTEM FOR THE UTILITIES DEPARTMENT. (\$27,105.50)
- 3.12 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR ASPHALT

RECREATIONAL TRAIL OVERLAY AND INSTALLATION OF
NEW ASPHALT RECREATIONAL TRAILS

- 3.13 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO. 06-524 FROM \$6,772.82 IN AMOUNT TO \$2,146.60; AND PROVIDING AN EFFECTIVE DATE.
- 3.14 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF A CODE COMPLIANCE LIEN IN CASE NO. 08-914 FROM \$9,200.00 IN AMOUNT TO \$2,910.00; AND PROVIDING AN EFFECTIVE DATE.
- 3.15 **OPPOSITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING THE CONSTRUCTION OF I-595 PRIVATE REVERSIBLE EXPRESS, OR "LEXUS LANES," THAT HAVE BEEN AUTHORIZED FOR CONSTRUCTION BY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT).
- 3.16 **REQUEST TO VETO** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA REQUESTING THE GOVERNOR TO VETO CS/SB 2282 RELATING TO FIRST RESPONDER SERVICES, PROVIDING INFORMATION ON IMPACT TO LOCAL GOVERNMENT, CITIZENS PROPERTY TAXES, AND AVOIDANCE BY INSURANCE COMPANIES TO PAY LAWFUL CLAIMS FOR SERVICES RECEIVED BY INSURED.
- 3.17 **BOND ISSUANCE** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA MAKING CERTAIN FINDINGS; AUTHORIZING THE ISSUANCE OF THE TOWN OF DAVIE, FLORIDA, EDUCATIONAL FACILITIES REVENUE BONDS, SERIES 2009 (NOVA SOUTHEASTERN UNIVERSITY PROJECT) IN THE AGGREGATE PRINCIPAL AMOUNT OF \$60,000,000 TO PAY OR REIMBURSE THE COST OF THE EDUCATIONAL FACILITIES TO BE ACQUIRED, CONSTRUCTED AND EQUIPPED BY NOVA SOUTHEASTERN UNIVERSITY, INC., AND TO PAY CERTAIN COSTS OF ISSUANCE OF THE 2009 BONDS; AUTHORIZING THE EXECUTION, DELIVERY AND/OR USE OF A BOND INDENTURE, BOND LOAN AGREEMENT, MASTER TRUST INDENTURE, MASTER BCEFA SUPPLEMENT, MASTER OBLIGATION, BOND PURCHASE AGREEMENT AND OTHER DOCUMENTS AND THE PERFORMANCE OF OBLIGATIONS THEREUNDER; AUTHORIZING THE NEGOTIATED PRIVATE SALE OF THE 2009 BONDS TO REGIONS BANK AND DELEGATING TO THE MAYOR AND

TOWN ADMINISTRATOR THE AUTHORITY TO FIX THE FINAL TERMS AND CONDITIONS OF THE 2009 BONDS AND DOCUMENTS SUBJECT TO CERTAIN PARAMETERS; APPOINTING U.S. BANK NATIONAL ASSOCIATION AS THE BOND TRUSTEE, PAYING AGENT AND REGISTRAR; REQUIRING INDEMNIFICATION; AUTHORIZING FURTHER ACTS ON BEHALF OF THE TOWN IN CONNECTION WITH THE 2009 BONDS; PROVIDING FOR SEVERABILITY; DECLARING FLORIDA LAW AS THE GOVERNING LAW IN CONNECTION WITH THE ISSUANCE OF THE 2009 BONDS; AND PROVIDING AN EFFECTIVE DATE.

Temporary Use Item

- 3.18 TU 2-4-09, Florida Street Rods at Tower Shops Weekly Auto Show, 1904 South University Drive

Quasi-Judicial Consent Agenda

- 3.19 CSP 4-4-09, Ehlinger Apartments, 7481 NW 33 Street (RM-16) *Site Plan Committee - approve; 1) that the plans needed a "little more detail;" 2) the suggestion to possibly add a traffic circle at the entrance way might be a good idea; 3) add the square footage of the models as there was not a lot of dimension noted; and 4) include all the staff recommendations except numbers two, eight and nine*

Item to be added

3.20 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING SENATE BILL 360 AND REQUESTING THE GOVERNOR OF THE STATE OF FLORIDA TO VETO THIS BILL.

Councilmember Starkey pulled item 3.1 from the Consent Agenda. Councilmember Luis pulled items 3.7 and 3.15. Vice-Mayor Crowley pulled item 3.8. Councilmember Caletka pulled items 3.13, 3.14 and 3.20. Mayor Paul pulled items 3.2 and 3.3.

Councilmember Luis made a motion, seconded by Vice-Mayor Crowley, to approve the Consent Agenda less items 3.1, 3.2, 3.3, 3.7, 3.8, 3.13, 3.14, 3.15 and 3.20. In a voice vote, all voted in favor. (Motion carried 5-0)

4. DISCUSSION OF CONSENT AGENDA ITEMS

3.1 Councilmember Starkey made a motion, seconded by Councilmember Caletka, to table to Council's next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

3.2 Councilmember Caletka read the proclamation.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Old Davie School Executive Director Patti Koch thanked Council for their support of the Old Davie School.

3.3 Councilmember Starkey read the proclamation.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

3.7 Councilmember Luis referred to page 113 and asked if the staining mentioned in number 3 had already been budgeted or this would come back to Council. Public Works Director Manny Diez informed Council that the work would be performed by staff and they had already budgeted the hours.

Councilmember Luis made a motion, seconded by Vice-Mayor Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

3.8 Vice-Mayor Crowley asked if the additional State funding would allow planting additional trees in the right-of-ways. Mr. Shimun confirmed there would be additional trees, and some tree removals would be paid for using funds remaining from the original \$120,000.

Vice-Mayor Crowley remarked that Davie Road Extension was in need of landscaping and asked that staff consider remediation of this area.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to approve and to direct the Public Works Director to look at Davie Road Extension, and make this a priority if they had additional trees to plant there. In a voice vote, all voted in favor. (Motion carried 5-0)

3.13 Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve a \$4,293.20 mitigation. Mr. Rayson pointed out that this was two-thirds of the original amount, not half. In a voice vote, all voted in favor. (Motion carried 5-0)

3.14 Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve a \$5,820.00 mitigation amount.

Councilmember Luis was familiar with this property and noted that it had been neglected for a short period while the bank took it over. He was concerned that this mediation amount would negatively affect the sale of the house. Code Compliance Official Danny Stallone agreed that the non-compliance occurred during the time Bank of America owned the property. He explained that the violations concerned more than just overgrowth, and a few Australian Pines had been removed from the property. Mr. Stallone said that once the realtor was aware of the problems, he had acted diligently to comply.

Councilmember Caletka was concerned that banks foreclosing on properties were not maintaining them and this was affecting entire neighborhoods. He felt the Town must stand firm to let the banks know that they would pay a penalty for neglecting the properties for which they had made the Town responsible. Councilmember Starkey agreed with Councilmember Caletka. She saw a defect with the mitigation agreement form staff used, because the form was signed for a mitigation amount that had yet to be approved by Council. Councilmember Starkey stated that there were currently 681 foreclosure properties in the Town.

Councilmember Luis believed Council should change the way the mitigation amounts were calculated if they disagreed with it. He added that the banks would not be punished by increased amounts but the homebuyers would, as he was certain the fines would be passed on to the buyer. Councilmember Luis wanted these houses to be sold as quickly as possible.

Mr. Stallone said that mitigation applicants were aware that Council must approve the amounts.

Councilmember Caletka said that a Bank of America executive had informed him that the bank's policy was to liquidate properties as quickly as possible. He did not believe this mitigation amount would affect this sale.

Joe Suppano, property realtor, confirmed the sale was set for closing at the end of the month and advised that he had taken care of the problems as soon as he was aware of them. He feared that if the mediation amount were not approved, he would lose the sale.

In a roll call vote, the vote was as follows: Mayor Paul - no; Vice-Mayor Crowley - no; Councilmember Caletka - yes; Councilmember Luis - no; Councilmember Starkey - yes. (Motion failed 2-3)

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to approve a \$2,910 mitigation amount. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-1)

3.15 Councilmember Luis understood what Council was trying to accomplish, but he felt it appeared they were trying to punish the contractor, when their real dispute was with the State. His issue with the I-595 development was access for Davie residents and advised that he had a meeting scheduled with FDOT representatives the following week. Councilmember Luis explained that the contractor would perform the construction

and would not be paid for 35 years. He agreed that something must be done with I-595, and felt that the “Lexus Lanes” would be invaluable to make I-595 an efficient road.

Councilmember Caletka believed that some of Councilmember Luis’s information was wrong. He said that the contractor “gets the profits for 35 years, then they turn it back over to FDOT...they run it, they control it.” Councilmember Caletka suggested that this item be tabled as he was working with representatives from the Governor’s office to resolve this.

Councilmember Caletka made a motion, seconded by Councilmember Luis, to table to Council’s next meeting [June 3, 2009]. In a voice vote, with Vice-Mayor Crowley dissenting, all voted in favor. (Motion carried 4-1)

Vice-Mayor Crowley felt this would be a good tool to use in the negotiations with the Governor’s office.

3.20 Councilmember Caletka informed Council that this subject had come up in Tallahassee the previous day and he felt this would be an “exercise in futility.” Mayor Paul said that by eliminating transportation concurrency, this would have an impact on all development in the Town and surrounding communities. Councilmember Caletka said that the goal was to reduce costs for private and government development, and he felt the Governor would be compelled to support this.

Councilmember Starkey explained that the intent of the bill was to “kick start the economy again, and development again and not be overburdened on some of these projects that may have been held up...” and stated that this was not just a local issue. She added that included in the bill was language that allowed mobile home communities to use Sadowski and federal funds.

Mayor Paul stated that the Broward League of Cities had requested the bill be vetoed. She said that there was opposition to allowing mobile parks to use Sadowski funds because this was “raiding” those funds that were intended for housing.

Councilmember Caletka recommended tabling this until after he met with the Governor’s office because he did not want to be “a pain in the Governor’s side when there’s ...a very lucrative offer potentially on our side.”

Councilmember Luis had not read the entire bill, but he understood the League of Cities’ objection. He said that he would vote against this resolution

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to table to Council’s next meeting. Councilmember Caletka withdrew his motion and Councilmember Starkey withdrew her second.

Councilmember Caletka made a motion to deny. The motion died for lack of a second.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to table to Council’s next meeting [June 3, 2009]. In a roll call vote, the vote was as follows: Mayor Paul - no; Vice-Mayor Crowley - no; Councilmember Caletka - yes; Councilmember Luis - no; Councilmember Starkey - yes. (Motion failed 2-3)

Councilmember Luis made a motion, seconded by Mayor Paul, to approve. In a voice vote, with Councilmember Caletka and Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-2)

5. PUBLIC HEARING

Ordinance - First Reading (Second and Final Reading to be held June 3, 2009)

- 5.1 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE UTILITIES CODE, CHAPTER 25, BY ADDING ARTICLE IV, PROTECTION OF UNDERGROUND UTILITIES; SECTION 25-33 ENFORCEMENT OF PROTECTION OF UNDERGROUND UTILITIES; SECTION 25-34 DEFINITIONS; SECTION 25-35 MANDATORY PRE-EXCAVATION PROCEDURES; SECTION 25-36 EXEMPTIONS; SECTION 25-37 EXCAVATION IN THE ABSENCE OF UNDERGROUND FACILITIES MARKINGS BY MEMBER OPERATORS; SECTION 25-38 EXCAVATION PROCEDURES AND INSTALLATION OF FACILITIES; SECTION 25-39 NOTIFICATION UPON CONTACT; SECTION 25-40 ENFORCEMENT BY CIVIL VIOLATION PROCESS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from May 6, 2009)

This item was tabled earlier in the meeting.

Ordinances - Second and Final Reading

- 5.2 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE CODE OF ORDINANCES, CHAPTER 25 - UTILITIES, SECTION 25-32, ENTITLED "WATER CONSERVATION" TO CORRECT A SCRIVENERS ERROR, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE. **{Approved on first reading May 6, 2009. All voted in favor.}**

Mr. Rayson read the ordinance by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 5.3 **BUDGET AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2009; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on first reading May 6, 2009. All voted in favor.}**

Mr. Rayson read the ordinance by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 5.4 **COMMITTEE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE GREEN ENERGY AND ENVIRONMENTAL COMMITTEE; PROVIDING FOR MEMBERSHIP OF THE COMMITTEE; PROVIDING FOR TERMS OF OFFICE FOR ITS MEMBERS; PROVIDING FOR FUNCTIONS AND DUTIES OF THE COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on first reading May 6, 2009 subject to changing the name of the committee to "Green Energy and Environmental Committee" and to change the committee number of members to ten (10), with two (2) exclusive appointments by the Mayor and each councilmember. All voted in favor.}**

Mr. Rayson read the ordinance by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Starkey wanted to be sure that residents who were appointed to this committee had experience in the various disciplines, which would allow them to achieve their goals.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 5.5 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-1-09, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: RM-10, MEDIUM DWELLING DISTRICT TO: RM-16, MEDIUM HIGH DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-1-09, Town Park Crossing, 2760 North University Drive) *Planning & Zoning Board recommended approval* {Approved on first reading May 6, 2009. All voted in favor.}**

Mr. Rayson read the ordinance by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Council provided their disclosures.

Quasi-Judicial Item

5.6 V 2-1-09, Shakouri, 13850 SW 20 Street (R-2) *Planning and Zoning Board recommended approval based upon the petitioner's agreement to bring the fence to Code should the property be developed*

Mr. Rayson swore in witnesses. Planning and Zoning Manager David Quigley summarized the staff report.

Councilmember Caletka asked the owner why he had not pulled a permit for the fence. Cyrus Balukey explained that he had already paid a mitigated fine for installing the chain link fence to prevent dumping on the property.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Councilmember Luis noted that there had been a problem with dumping on the property and the owner had been unaware of the rural lifestyle initiative. The owner had agreed to meet the requirements if he redeveloped the property.

Councilmember Luis made a motion, seconded by Vice-Mayor Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Withdrawn by petitioner

5.7 V 1-1-09, Pam Parker, 8301 SW 27 Place (R-3)

This item was withdrawn.

6. APPOINTMENTS

6.1 Mayor Paul

- 6.1.1 Agricultural Advisory Board (one exclusive appointment - term expires April 2010) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

Mayor Paul reaffirmed that she had appointed Tony Burza at Council's last meeting.

- 6.1.2 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

Mayor Paul agreed with Councilmember Starkey about appointees to this committee. She recommended that Jeff Evans, who had Green City certification, be appointed by another Councilmember. Mayor Paul would also provide the Town Clerk with the names of other interested individuals.

Mayor Paul appointed Maddy Powers and Eric Swalley; however, she withdrew Mr. Swalley's appointment to allow Councilmember Caletka to appoint him.

- 6.1.3 Site Plan Committee (one exclusive appointment - term expires June 2010) (member must be a resident of the Town and, whenever possible, should be an architect, landscape architect or an urban planner or designer)

Mayor Paul reappointed Jeff Evans.

6.2 Vice-Mayor Crowley

- 6.2.1 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

No appointment was made.

- 6.2.2 Site Plan Committee (one exclusive appointment - term expires June 2010) (member must be a resident of the Town and,

whenever possible, should be an architect, landscape architect
or an urban planner or designer)

Vice-Mayor Crowley reappointed Casey Lee.

6.3 Councilmember Caletka

- 6.3.1 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

Councilmember Caletka appointed Eric Swalley and Lisa Saltzman.

- 6.3.2 Planning and Zoning Board/Local Planning Agency (one exclusive nomination - term May 27, 2009 to May 25, 2010) (member must be a resident and qualified voter; **nomination requires Council approval**)

Councilmember Caletka made a motion, seconded by Councilmember Luis, to reappoint Dr. Busey. In a voice vote, all voted in favor. (Motion carried 5-0)

- 6.3.3 Site Plan Committee (one exclusive appointment - term expires June 2010) (member must be a resident of the Town and, whenever possible, should be an architect, landscape architect or an urban planner or designer)

Councilmember Caletka appointed Sam Engle Jr.

6.4 Councilmember Luis

- 6.4.1 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

No appointment was made.

- 6.4.2 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

- 6.4.3 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2010) (members shall be a minimum 60 years of age)

No appointment was made.

- 6.4.4 Site Plan Committee (one exclusive appointment - term expires June 2010) (member must be a resident of the Town and, whenever possible, should be an architect, landscape architect or an urban planner or designer)

Councilmember Luis reappointed Harry Venis.

6.5 Councilmember Starkey

- 6.5.1 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

Councilmember Starkey asked about appointing members who were not residents. Mayor Paul said that she had created a list of such individuals who could advise and make recommendations to the Committee. Councilmember Starkey felt the issue was critical enough to allow appointing members who were not residents.

Town Clerk Muniz stated that the advisory board ordinance addressed these issues, but he was unsure if it specifically discussed residency requirements. He felt this would be contained in the individual resolutions that created the committees. Town Clerk Muniz agreed to research this and report to Council before the meeting ended.

Councilmember Luis felt they must look outside the Town for people with expertise. Council agreed that preference should be given to residents. Vice-Mayor Crowley suggested that half of the appointees should be residents.

Town Clerk Muniz reported that the Code indicated Council should determine the suitability of any appointee, "except that board/committee members are required to be registered voters." It did not specify the appointees must be registered voters *of the Town*. Based on this, Mr. Rayson agreed that non-residents could be appointed.

6.5.2 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

6.5.3 Planning and Zoning Board/Local Planning Agency (one exclusive nomination - term May 27, 2009 to May 25, 2010) (member must be a resident and qualified voter; **nomination requires Council approval**)

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to reappoint Mimi Kerran. In a voice vote, all voted in favor. (Motion carried 5-0)

6.5.4 Site Plan Committee (one exclusive appointment - term expires June 2010) (member must be a resident of the Town and, whenever possible, should be an architect, landscape architect or an urban planner or designer)

Councilmember Starkey reappointed Bob Breslau.

Mayor Paul submitted paperwork on a potential member of the Fire Pension Board.

7. OLD BUSINESS

7.1 Landscaping Issues in Town Medians - Mayor Paul

Mayor Paul recommended that the Town have a bona fide plan for median landscaping, changing from sod planting and badly functioning sprinklers, to Xeriscape and drip watering systems. She wanted to be sure these issues were addressed, and that landscaping beautified the Town and was sustainable.

Mr. Diez reported that the Town had a \$100,000 FDOT grant to replace the trees along Flamingo Road. The Town was installing new wires and valves in the old irrigation system, but was not upgrading it. Mayor Paul suggested that future landscape plans include Xeriscape and drip irrigation systems. Mr. Diez said that he would consider this for medians that did not currently have irrigation systems. He had asked Urban Forester Tim Lee to devise a Xeriscape demonstration project. Mr. Diez remarked that a median was a very harsh environment, and Xeriscape was difficult enough to keep

alive. He said that a drip irrigation system had been installed on Griffin Road some time ago, but had been replaced because it “never really did work.” Councilmember Starkey recommended suggesting this topic to the Green Energy and Environmental Committee for their advice.

7.2 Interest Charges on CRA Improvements - William Ackerman

Councilmember Caletka thought staff objected to this because it set a precedent and asked for an estimate of the number of residents who would need the financing. Budget and Finance Director Bill Ackerman estimated that few residents needed the loan in the first phase, but in the second phase, there could be hundreds. Councilmember Caletka favored using endowment funds to cover residents needing to borrow.

Mayor Paul reminded Council that the residents had objected to having this imposed upon them against their will without adequate prior discussion. The Town needed to insure there would be plenty of meetings prior to the next phase to keep residents aware of what their responsibilities would be. Councilmember Caletka advised that the mailings announcing the meeting had not been mailed in time to give residents the opportunity to attend the meeting and respond. He was certain that in preparation for the next phase, the CRA would allow sufficient time prior to the meeting for the mailings.

Councilmember Starkey noted that 135 homes would be affected in the future, so they did not want to set the precedent of waiving the charge. She felt the CRA's offer was a reasonable financing alternative and asked Mr. Rayson for an opinion on whether this could be considered favoritism.

Councilmember Caletka pointed out that the residents were being asked to spend thousands of dollars to hook up to the sewer line that they had not asked for. He remembered homeowners being angry about this and about the insufficient notice of the meeting.

Mr. Rayson reminded Council that a Broward County ordinance required residents to connect to the sewer lines. He stated that there was "no question whatsoever that the Town of Davie has the right to recoup its capital investment and infrastructure costs," and that the interest was legal and reasonable. Mr. Shimun agreed with Mr. Rayson, and added that the project would increase residents' property values. He recommended accepting Mr. Ackerman's proposal on the interest rate.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the recommendation with the 3.25% over 10 years.

Councilmember Caletka advised that he would not support this proposal. He believed the residents would show up at a Council meeting and "it's going to just drag on a longer night, and it may be even the next one." Mr. Shimun stated that this only applied to people who were "not of low to moderate income" because there was a Town program to help those residents.

In a roll call vote, the vote was as follows: Mayor Paul - no; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 3-2)

8. NEW BUSINESS

8.1 Council Workshop on Ethics (June 8, 9, 14, 15, or 16, 2009 from 10:00 a.m. to 1:00 p.m.)

This item was withdrawn earlier in the meeting.

Mayor Paul asked Mr. Shimun to address the towing contract.

Mr. Shimun advised that the Town had received two letters from Westway Towing, the first withdrawing from the contract and the second indicating the company was willing to discuss the contract. Procurement Manager Herb Hyman stated that the attorney for Westway had given a very brief timeframe to reply. He advised that he and Mr. Shimun had decided to investigate whether A&B Towing, who had also put in a bid, would be interested in finishing the contract. Mr. Hyman advised that A&B had indicated a willingness to negotiate a contract.

Mr. Hyman explained that to Councilmember Caletka that the franchise fee offered from A&B was \$230,000 per year - Westway had offered \$195,000; HTS had offered \$120,001 and Superior had offered \$68,800.

Mr. Rayson agreed that the second letter meant that the contract would stay. Mr. Shimun confirmed for Mayor Paul that the way the letter was written, it indicated that if the Town wanted to talk about it, Westway would not rescind it immediately; however, if the Town was not interested in discussing it, then it was rescinded. Mr. Rayson explained that Westway had paid the franchise fee, the contract was in place and Westway was the contractor, but there were contradictions in the letters. He felt staff should meet with Westway and Council could always go to the second contractor if they could not resolve issues with Westway. Until then, the contract was in full force and effect.

Vice-Mayor Crowley favored a meeting between Westway, Mr. Rayson and staff. He felt there were items that should be discussed. He volunteered to attend the meeting to represent Council and Mayor Paul accepted his offer. Council had no objection to this meeting.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to meet with all parties to address any issues between the Town and the towing company and hopefully get them resolved. If it did not get resolved, then we'll look at alternatives as far as other towing companies.

Mayor Paul confirmed that the Town Attorney and Vice Mayor would attend the meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul asked for a report of Councilmember Caletka and Mr. Shimun's meeting with members of Governor Crist's staff regarding the "Lexus Lanes".

Councilmember Caletka said that they had met with the Governor's Chief of Staff, and Councilmember Caletka believed the Governor's Office had been completely unaware that it could cost the Town over \$1,000,000 to service the lanes. Councilmember Caletka said, "...it was suggested that the Governor had no idea that we were being treated so unfairly."

Councilmember Caletka stated that there were four possibilities. The first was that the Governor might veto the "accident tax" bill that prevented municipalities from collecting those fees. Councilmember Caletka said, "These are not going to be Town of Davie residents, because Town of Davie residents can't get on them." He said that he would favor the accident fee for cost recovery if it was "on a highway that we don't have our residents on."

Councilmember Caletka continued that the second option was for the Town to collect a portion of the tolls collected. The third option was that the Town would get both

cost recovery options, and the last was that they would get nothing. The Chief of Staff had said that they should know something within the next two weeks.

Councilmember Caletka did not want to jeopardize the possibility of receiving toll funds, and felt that Council's request for the Governor to veto Bill 360 would be "a thorn in the side for the governor." He strongly encouraged Council to reconsider their previous vote on Bill 360. Mayor Paul did not believe one had any bearing on the other. She stated that, "Those aspects of 360 which could impact future development beyond one project will mean considerable amount of money if the taxpayers have to foot the bill for any road improvements." Councilmember Caletka disagreed and believed developers would still be subject to Town ordinances.

Mayor Paul agreed with Councilmember Caletka on the I-595 issue, but not with the Bill 360 issue. She had sent a personal letter stating her opposition to Bill 360 and requesting Governor Crist's veto on that and other bills.

Councilmember Starkey requested a copy of Mayor Paul's letter, and stated that she strongly objected to it because she felt Council must act collectively. Councilmember Starkey felt they should reconsider item 3.20. She noted that this was a statewide issue, not a Davie issue.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to reconsider. In a voice vote, with Mayor Paul and Councilmember Luis dissenting, all voted in favor. (Motion carried 3-2)

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to deny the resolution. In a roll call vote, the vote was as follows: Mayor Paul - no; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - no; Councilmember Starkey - yes. (Motion carried 3-2)

Mayor Paul stated that the letter she had sent had been personal and she had not referred to the Town Council. In it, she stated that she agreed with the Broward League of Cities' opposition to the bill. She had also discussed Home Rule, and had included a copy of the resolution Council had previously passed opposing anything that affected Home Rule.

Mayor Paul said that the Orange Tree Lakes Homeowners Association had been trying to replace their sign on Flamingo Road for two years. According to GPS coordinates, the sign was sited partly on property belonging to FDOT and partly on property belonging to Davie. Mayor Paul said that a survey must be done so the sign could be replaced on Davie right-of-way property only. Councilmember Starkey agreed the sign should be replaced within Davie boundaries.

9. SCHEDULE OF NEXT MEETING

10. MAYOR/COUNCILMEMBER'S COMMENTS COUNCILMEMBER STARKEY

PLASTIC WATER BOTTLE POWERPOINT. Councilmember Starkey asked that a PowerPoint concerning plastic water bottles be added to Council's next agenda, and then it should be posted to the Town's website.

ORGAN DONOR INFORMATION. Councilmember Starkey presented donor information to Mr. Shimun and asked that it be included with bills and paychecks, and posted on the Town's website.

PINE ISLAND/BAMFORD PARK. Councilmember Starkey thanked Mr. Diez for the improvements and maintenance at Pine Island/Bamford Park.

SEXUAL PREDATOR INFORMATION. Councilmember Starkey presented information to Police Chief Patrick Lynn regarding sexual predators that had recently moved into the prohibited areas near three schools. She asked Chief Lynn to report to her to explain why the predators had been permitted to move in.

VICE-MAYOR CROWLEY

BROWARD COUNTY ENVIRONMENTAL MONITORING LABORATORY GRAND OPENING. Vice-Mayor Crowley and Councilmember Starkey had attended this grand opening, and he remarked that it was a very nice event, held at a Green building on the University of Florida Campus.

SUNNY LAKE PARK. Vice-Mayor Crowley had met with consultants doing the design work, and he agreed with the phasing out of some vegetation to save birds that were roosting on the east side of the park. He did not see the wetlands that were proposed as the design he was shown was a sterile lake only and the consultants said that they had not been directed to include a wetland area. Councilmember Caletka agreed a wetland area should be included in the park design.

COUNCILMEMBER CALETKA

WINN DIXIE PROPERTY ON DAVIE ROAD. Councilmember Caletka stated that there was \$6.25 million in District 1 bond money because there was no property to buy, and he had considered the 3.3 acre Winn Dixie property on Davie Road that was in foreclosure. Councilmember Caletka was aware that the property had not sold at auction, and recommended contacting Regions Bank. Vice-Mayor Crowley felt the CRA might be interested in the property, and that the property might be more desirable for a CRA project. Councilmember Caletka advised that he had contacted Redevelopment Administrator Will Allen regarding the property. He believed a CRA representative had attended the auction and had not bid on the property. Councilmember Caletka felt that a passive park might encourage positive redevelopment in the area.

Mayor Paul said that Councilmember Caletka might want to consider asking FDOT about purchasing Arrowhead Golf Club. Councilmember Caletka had the idea to create a very low maintenance park on the Winn Dixie property with the intent of selling the property at some later date to pay off the bond. Mayor Paul pointed out that selling the property would be contrary to the Town's intention to preserve open spaces.

Regarding Arrowhead, Councilmember Starkey felt the property met the two components of the bond: the improvement of a water body and a recreational activity. She stated that FDOT intended to use the property for storage water, and residents were fearful that the property would be redeveloped with additional buildings and the mobile

home community would be taken over. Many residents had expressed a wish for the Town to purchase the property.

COUNCILMEMBER LUIS

POLICE AND FIRE EXPO. Councilmember Luis congratulated the Police and Fire Departments for the success of the expo held on May 16th.

DISTRICT 4 FIRE STATION LOCATION. Councilmember Luis announced that a meeting regarding the District 4 Fire Station location was held a couple of weeks ago. Someone had mentioned that they thought the Town was trying to get residents to agree to a fire station in Shenandoah, but Councilmember Luis assured everyone that unless a majority of residents expresses a desire for this, it was off the table.

MAYOR PAUL

ENVIRONMENTAL GRANT. Mayor Paul distributed a list of questions regarding the environmental grant money. She had desired purchasing solar lights and her information included a cost comparison from a solar lighting company. Mayor Paul felt this sort of comparison information should be presented to Council.

GREEN CITY CERTIFICATION. Mayor Paul requested an update on the Green City Certification. Mr. Quigley said that staff had considered applying for this a couple of years ago, but no fee had ever been paid.

DARE PROGRAM. Mayor Paul advised that she had spoken with Sheriff Al Lamberti and others regarding the elimination of the DARE Program. She wanted to look into getting a waiver from the DARE program to allow volunteers to conduct the program instead of sworn officers.

BUDGET PROCESS. Mayor Paul announced that she would be meeting with Mr. Ackerman the following day to discuss some of her cost saving suggestions for the budget process.

CHAMBER OF COMMERCE MEETING. Mayor Paul advised that she had attended the Chamber of Commerce meeting that morning.

11. TOWN ADMINISTRATOR’S COMMENTS

No comments were provided.

12. TOWN ATTORNEY’S COMMENTS

OLD DAVIE SCHOOL. Vice-Mayor Crowley asked Mr. Rayson for his opinion regarding the maintenance of the Old Davie School. Mr. Rayson responded that he had issued a legal opinion regarding this issue and advised that in 2008, a new agreement had been signed between the Town and the Davie School Foundation. He indicated that it was clear that all maintenance was the responsibility of the Town.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:25 p.m.

Approved_____

Mayor/Councilmember

Town Clerk